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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,018	08/19/1999	FRED S. COOK	1235	8623

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EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/378,018

Applicant(s)

COOK, FRED S.

Examiner

Alain L. Bashore

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-57 is/are pending in the application.
- 4a) Of the above claim(s) 29-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 38-46 and 48-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerman et al. in view of Rainis et al in further view of (Jagadish et al or Cheslog).

Dickerman et al disclose a method and computer-readable medium interface, including receiving communications services events (e.g., request to bill credit card during phone call) (e.g., column 5, line 55 et seq; column 8, line 31 et seq; column 22, line 23 et seq), converting the event format (e.g., from UDP/IP to X.25 protocol) (e.g., column 7, line 10 et seq), and transferring the formatted events to a financial bank card network (e.g., column 2, line 65 et seq; column 7, line 37 et seq).

Dickerman et al also disclose a pre-authorization hold request (e.g., column 8, line 20 et seq), determining a charge amount including tariffing and taxing (e.g., column 2, line 30 et seq; column 9, line 15 et seq; column 11, line 44 et seq), receiving

pre authorization/rejection and hold response and signaling the communications service (e.g., column 8, line 10 et seq; column 12, line 64 et seq; column 16, line 37 et seq; column 17, line 50 et seq), forced post request, as broadly recited (e.g., column 2, line 30 et seq; column 2, line 60 et seq; column 3, line 41 et seq; column 4, line 9 et seq), communication system protocol and bank card format (e.g., column 2, line 65 et seq).

Dickerman et al. does not disclose:

forming a final billing cost; and,

at the end of the billing period, re-calculating the costs for each communication service event to form the final billing period cost.

The reference to Rainis et al. discloses that it is known in the communications art to form a final billing cost (col 2, lines 12-27).

It would have been obvious to one with ordinary skill in the art to modify the method to Dickerman et al to determine an amount to update the customer account based on the accumulated communications charges at the end of the billing period because of what is taught by both Dickerman et al and Rains et al. Rainis et al discloses that such billing methods are known in the communications billing art (col 2, line 15).

Both Jagadish et al and Cheslog disclose at the end of the billing period, re-calculating the costs for each communication service event to form the final billing period cost (e.g, Jagadish et al, column 6, line 16 et seq; Cheslog, column 5, line 6 et seq).

It would have been obvious to one with ordinary skill in the art to include re-calculating the costs for each communication service event to form the final billing period cost to Dickerman et al in view of Rainis et al because of dynamic changes that are taught by either Jagadish et al or Cheslog. Both references teach that billing is dynamic so that updating must also be dynamic. Jagadish et al (col 6, lines 23-26) and Cheslog (col 4, lines 53-67; col 5, lines 1-12) teach that discounts in the communication art have conditions that dynamically change the application of the discount.

3. Claims 47 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerman et al in view of Rainis et al in further view of (Jagadish et al or Cheslog) as applied to claims 38-46 and 48-56 above, and further in view of the Admitted Prior Art (pages 8, lines 8-11).

Dickerman et al disclose a method and computer-readable medium for providing an interface between financial and communication networks/systems, including conversion to a bank card format (e.g., column 3, line 41 et seq; column 7, line 23 et seq).

To the extent that Dickerman et al do not disclose inherently a particular bank card format, the Admitted Prior Art discloses that Visa I, Visa II, ASPDH, and SET are well-known formats used in the bank card processing industry. Providing a method and computer-readable medium that converts communications service event data into Visa I, Visa II, ASPDH, or SET formats provides an improved interface and gateway for conversion of communications event data into well-known bank card processing formats for use in a financial processing network (e.g., Dickerman et al, column 2, line 7 et seq; column 2, line 30 et seq; column 2, line 65 et seq).

Response to Arguments

4. Applicant's arguments filed 2-6-03 have been fully considered but they are not persuasive.


The bankcard network of Dickerman et al teaches the communications services events posted to a customer account on a financial bank card network.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


Alain L. Bashore
July 25, 2003